

*[Handwritten mark]*

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Barbara B. Courtney

(Typed or printed name of person mailing paper(s) or fee(s))

*[Handwritten signature]*

(Signature of person mailing paper or fee)

January 14, 2004

(Date signed and mailed)

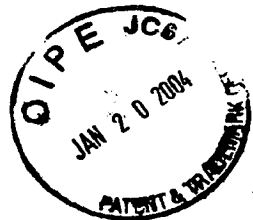
Serial/Patent No.: 10/670,640 Filing/Issue Date: September 24, 2003 Client: D. Young & Co.  
Title: ORTHOPAEDIC SURGERY PLANNING

Atty. Docket No.: DYNG.P001

Date Mailed: January 14, 2004

The following has been received in the U.S. Patent & Trademark Office on the date stamped hereon:

- |   |   |
|---|---|
| <input type="checkbox"/> Amendment/Response ( pgs.)   | <input type="checkbox"/> Petition for Extension of Time ( month(s))           |
| <input type="checkbox"/> Preliminary Amendment (2 pgs.)   | <input type="checkbox"/> Information Disclosure Statement & PTO/SB/08A        |
| <input type="checkbox"/> Application - Utility (35 pgs.)  | <input type="checkbox"/> Issue Fee Transmittal                                |
| <input type="checkbox"/> Application - Rule 1.53(b) Contin. ( pgs.)   | <input type="checkbox"/> Submission of Formal Drawings                        |
| <input type="checkbox"/> Application - Rule 1.53(b) Divis. ( pgs.)  | <input type="checkbox"/> Notice of Appeal                                     |
| <input type="checkbox"/> Application - Rule 1.53(b) CIP ( pgs.)   | <input type="checkbox"/> Appeal Brief ( pgs. in triplicate)                   |
| <input type="checkbox"/> Application - Rule 1.53(d) CPA ( pgs.)   | <input type="checkbox"/> Reply Brief  |
| <input type="checkbox"/> Application - PCT ( pgs.)  | <input checked="" type="checkbox"/> Response to Notice of Missing Parts       |
| <input type="checkbox"/> Application - Provisional ( pgs.)  | <input type="checkbox"/> Utility Patent Application Transmittal               |
| <input type="checkbox"/> Drawings (Formal, sheets)  | <input checked="" type="checkbox"/> Fee Transmittal (in duplicate)            |
| <input checked="" type="checkbox"/> Declaration (2 pgs.)  | <input checked="" type="checkbox"/> Itemized Postcard                         |
| <input type="checkbox"/> Assignment & Cover Sheet ( pgs.)   | <input checked="" type="checkbox"/> First Class Mail Certificate Of Mailing   |
| <input checked="" type="checkbox"/> Power of Attorney by Assignee (2 pgs.)  | <input type="checkbox"/> Express Mail No. _____                               |
| <input type="checkbox"/> Nonpublication Request (35 USC 122(b))   | <input checked="" type="checkbox"/> Check No. <u>3289</u> Amt <u>\$130.00</u> |
| <input checked="" type="checkbox"/> Other <u>Copy of Notice to File Missing Parts of Application; Certified copy of Priority Document</u> |   |



Atty. Docket No. DYNG.P001

*PATENT*

**IN THE UNITED STATES PATENT OFFICE**

In Re Patent Application of:

David Kitson

Application No. 10/670,640

Filed: September 24, 2003

For: ORTHOPAEDIC SURGERY PLANNING

) Examiner: Not assigned

) Art Unit: 2621

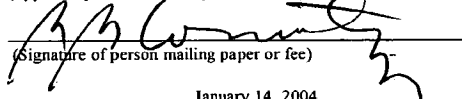
MS Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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Barbara B. Courtney

(Typed or printed name of person mailing paper(s) or fee(s))



(Signature of person mailing paper or fee)

January 14, 2004

(Date signed and mailed)

**RESPONSE TO NOTICE TO FILE MISSING PARTS**

Sir:

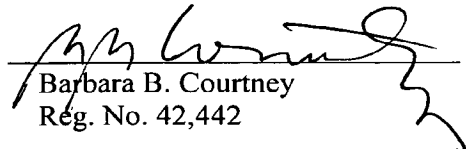
In response to a Notice to File Missing Parts mailed December 12, 2003 in connection with the above-referenced provisional patent application, Applicant herewith submits the following:

1. copy of the Notice to file Missing Parts of Patent Application;
2. Declaration;
3. Power of Attorney by Assignee;
4. Certified Copy of the Priority Document;
5. USPTO fee transmittal (in duplicate); and
6. check no. 3289 in the amount of \$130.00 for the Late Oath or Declaration Surcharge as stated in the Notice.

Please charge Deposit Account No. 501914 for any fee deficiency that may be due.

Respectfully Submitted,  
Shemwell Gregory & Courtney LLP

Date January 14, 2004

  
Barbara B. Courtney  
Reg. No. 42,442



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/670,640	09/24/2003	David Kitson	DYNG.P001

CONFIRMATION NO. 6817

## FORMALITIES LETTER



\*OC000000011513497\*

Shemwell Gregory & Courtney LLP  
 Suite 201  
 4880 Stevens Creek Blvd.  
 San Jose, CA 95129

Date Mailed: 12/17/2003

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted***Items Required To Avoid Abandonment:**

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

**SUMMARY OF FEES DUE:**

Total additional fee(s) required for this application is **\$130** for a Large Entity

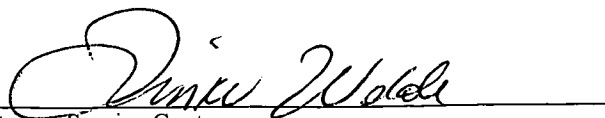
- **\$130** Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts  
 Commissioner for Patents  
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 Alexandria VA 22313-1450

01/23/2004 MAHME1 00000077 10670640

01 FC:1051 130.00 OP

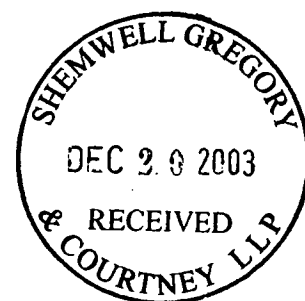
*A copy of this notice **MUST** be returned with the reply.*

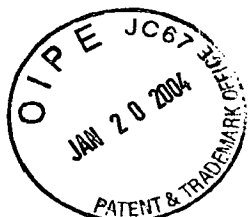


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Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE





PTO/SB/17 (10-03)  
Approved for use through 07/31/2006. OMB 0651-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE  
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ ) 130.00

## Complete if Known

Application Number	10/670,640
Filing Date	September 24, 2003
First Named Inventor	David Kitson
Examiner Name	Not assigned
Art Unit	2621
Attorney Docket No.	DYNG.P001

## METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit  
Account  
Number  
Deposit  
Account  
Name

501914

Shemwell Gregory & Courtney

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Credit any overpayments

☒ Charge any additional fee(s) or any underpayment of fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	0
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1)					(\$ ) 0

### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims		Extra Claims		Fee from below	Fee Paid
Independent	Multiple	20**	3**		
0	0	0	0	0	0
0	0	0	0	0	0
0	0	0	0	0	0

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$ ) 0

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	130.00
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	
Other fee (specify)					
*Reduced by Basic Filing Fee Paid					
SUBTOTAL (3)					(\$ ) 130.00

## SUBMITTED BY

Name (Print/Type)	Barbara B. Courtney	Registration No. (Attorney/Agent)	42,442	Telephone	408-236-6647
Signature		Date	01-13-04		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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